



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/447,030	11/22/1999	RAINALD FORBERT	AE97/151US	3281
7590		09/21/2010	EXAMINER	
Mary E. Porter		NGUYEN, NGOC YEN M		
Cabot Corporation		ART UNIT		
157 Concord Road		PAPER NUMBER		
Billerica, MA 01821-7001		1793		
		MAIL DATE		
		DELIVERY MODE		
		09/21/2010		
		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

wk

Mailed:

SEP 21 2010

In re application of

Forbert

Serial No. 09/447,030

Filed: November 22, 1999

For: METHOD FOR PRODUCING SUBSTANTIALLY
GLOBULAR LYOGELS AND AEROGELS

DECISION ON
PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on May 13, 2010 to withdraw the final status of the Office Action dated March 16, 2010.

In response to the previous Office Action mailed June 29, 2009, Applicants amended claims 26, 27 and 28 to specify that the lyosol or hydrosol is introduced into an atmosphere flowing (rather than "which flows") substantially against the direction of gravity. In the Final Office action dated March 15, 2010 the Examiner introduces a new rejection under 35 USC 103(a) as being unpatentable over WO 95/00617 in view of Fernholz '199 (a reference previously applied by the Examiner).

WO 95/00617 does not address an atmosphere flowing substantially against the direction of gravity. A new ground for rejection that involves this reference could not have been necessitated by Applicants amendment of the claims. A review of the record does not indicate that the new ground for rejection is based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

DECISION

The petition for withdrawal of finality is **GRANTED**.

/W. GARY JONES/

W. Gary Jones, Director

Technology Center 1700

Chemical and Materials Engineering

Mary E. Porter

Cabot Corporation

157 Concord Road

Billerica MA 01821-7001